

**ADVISORY OPINION NO. 99-27**

**Issued On September 2, 1999 By The**

**WEST VIRGINIA ETHICS COMMISSION**

**OPINION SOUGHT**

A **Town Sanitary Board** asks whether the Town Mayor and Recorder/ Treasurer may be paid to serve on the Sanitary Board.

**FACTS RELIED UPON BY THE COMMISSION**

The Sanitary Board is created by statute which requires, as does a Town ordinance, that its three member Board be comprised of the Town Mayor and two other members appointed by the Mayor, with the Town council's approval. The Town's Recorder serves as Town Treasurer and also acts as Secretary/Treasurer of the Sanitary Board.

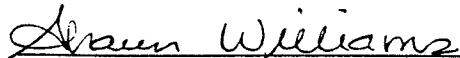
The Mayor and the Recorder are each paid a salary by both the Town and the Sanitary Board for services they render to each entity.

**PERTINENT STATUTORY PROVISIONS RELIED UPON BY THE COMMISSION**

In considering this request, the Ethics Commission reviewed the West Virginia Governmental Ethics Act in its entirety.

**ADVISORY OPINION**

No provision of the Ethics Act prevents the Town's Mayor or its Recorder from serving the Town's Sanitary Board or from being compensated for that service. It is not a violation of the Act for them to be paid to serve in positions in both the Town and its Sanitary Board.

  
Chairman